


FROM	NAME & TITLE	THOMAS J. STOSUR, DIRECTOR	CITY of BALTIMORE <b>MEMO</b>	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 417 EAST FAYETTE STREET, 8 <sup>TH</sup> FLOOR		
	SUBJECT	BMZA / 601 Richwood Avenue		

TO

Mr. David Tanner, Executive Director  
Board of Municipal and Zoning Appeals  
417 East Fayette Street, 14<sup>th</sup> Floor

DATE: November 19, 2012

**REQUEST**

The Department of Planning has received Chong Yim's Board of Municipal and Zoning Appeals (BMZA) application to use the first floor of the premises as a grocery store. We understand that this appeal is scheduled for hearing on November 27, 2012.

**SITE**

601 Richwood Avenue is located on the southeast corner of the intersection with Old York Road. This property measures approximately 40' by 100' and is currently improved with a two-story detached residential mixed-use building measuring approximately 32' by 45'. This site is zoned R-6.

**ANALYSIS**

Use: In this zoning district, grocery stores are not listed as a permitted or conditional use, and so are not allowed (§4-901 to §4-904). In this case, the property was last authorized for use as a grocery store, which is a nonconforming use in this R-6 General Residence District, and a single-family detached dwelling, a permitted use.

Determination of nonconformity or noncompliance: (a) Whether a nonconforming use, noncomplying density or other form of nonconformity exists is a question of fact that, except as specified in subsection (b) of this section, must be decided by the Board after public notice and hearing in accordance with the rules of the Board (§13-107). This property was approved for use of its first floor as a grocery store by the Board's decision in appeal no. 789-07.

**RECOMMENDATION**

The Department of Planning has no objection to this appeal if the applicant demonstrates that nonconforming use of the first floor of the property has not been discontinued or abandoned.

TJS/wya/mf

cc: Chong Yim, Appellant